

sium Arsenite 59.5% (giving one quart of medicine 71 gr. of arsenic)," appearing on the label, were false and misleading since the article contained less arsenic and more strychnine than declared. The article was alleged to be misbranded further because of false and misleading statements in the circular entitled "Amazing Liquid Treats Sick, Wormy, Runty Hogs." which represented and suggested that the article was effective as a preventive and treatment for all species of worms that infest hogs; that it was effective in the prevention and treatment of sick and runty hogs, of disease germs that infest hogs, and of flu, mixed infections, and the disease known as necro; that it was effective to prevent food waste and low profits, to cause bigger litters, to raise every pig, and to bring pigs along fast and keep them free of worms and disease, to make hogs ready to sell earlier, resulting in big money and extra profits, to avoid sickness and losses, and to develop big frame and heavy bone; and that the article contained ingredients which would be effective wormers, would promote appetite in sick hogs, would be an intestinal and lung antiseptic, and would destroy germs, help in the development of big bones, purify blood, and aid digestion.

On July 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1098. Misbranding of Bovex. U. S. v. 21 Bottles of Bovex. Default decree of condemnation and destruction. (F. D. C. No. 9808. Sample No. 31130-F.)**

Analysis showed that the article consisted of an oil such as linseed and wheat-germ oil, with a small amount of calcium carbonate and water.

On April 23, 1943, the United States attorney for the Northern District of California filed a libel against 21 1-pint bottles of Bovex at Petaluma, Calif., alleging that the article had been shipped in interstate commerce from Portland, Oreg., on or about March 23, 1943, by the Triangle Milling Co.; and charging that it was misbranded.

It was alleged to be misbranded in that the statements appearing in its label which represented and suggested that the article would be effective for better breeding; that it would promote normal breeding, aid in the prevention of sterility due to vitamin or nutritional deficiencies, aid reproduction by reason of its content of vital elements of chemicals, prevent infection, prevent the embryo from being reabsorbed, promote normal conception, reduce the immediate deficiency for normal reproduction, and help prevent reabsorption; and that vitamin E was accepted by the American Medical Association and the American Council of Pharmacy and Chemistry as the anti-sterility vitamin, were false and misleading since the article was not so effective and has not been accepted by the associations named.

The article was also alleged to be misbranded under the provisions of the law applicable to foods as reported in the notices of judgment on foods, No. 5796.

On June 30, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1099. Misbranding of medicated charcoal. U. S. v. 32 Boxes and 14 Boxes of Medicated Charcoal. Default decree of condemnation and destruction. (F. D. C. No. 9835. Sample No. 3168-F.)**

On April 23, 1943, the United States attorney for the District of Nebraska filed a libel against 32 5-pound boxes and 14 10-pound boxes of medicated charcoal at Cook, Nebr., alleging that the article had been shipped in interstate commerce on or about March 5, 1943, by the Des Moines Incubator Company from Des Moines, Iowa; and charging that it was misbranded.

Analysis showed that the article consisted essentially of charcoal with Epsom salt 1.2 percent, and a very small amount, if any, of Glauber's salt. The article did not contain menthol, thymol, or methyl salicylate.

It was alleged to be misbranded in that the statement appearing on its label, "Contains: \* \* \* Glaubers, \* \* \* Epsom, Menthol, Methyllalicylate and Thymol," was false and misleading; and in that the statements, appearing on the box label and on the card entitled "Directions for Feeding," shipped with the article, were false and misleading since they represented and suggested that the article was effective in the prevention and treatment of white diarrhea and all other forms of digestive disturbances in chicks and fowls; that it was effective as a cure and relief for growing stock and matured fowls seriously affected with intestinal and bowel complaints and cholera; that it was guaranteed under the Food and Drugs Act of June 30, 1906; and that the use of the product would insure the raising of healthy chicks and mature fowls, whereas the article was not so effective; it was not guaranteed under the Food and

Drugs Act of June 30, 1906; and the use of the article would not insure the raising of healthy chicks and mature fowls. The article was misbranded further in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On June 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1100. Misbranding of Miller's Liquid Hog Medicine. U. S. v. 12 Bottles and 5 Bottles of Miller's Liquid Hog Medicine. Default decree of condemnation and destruction. (F. D. C. No. 9833. Sample No. 5669-F.)**

On April 23, 1943, the United States attorney for the Southern District of Iowa filed a libel against 12 1-gallon bottles and 5 3-gallon bottles of Miller's Liquid Hog Medicine at Shenandoah, Iowa, alleging that the article had been shipped on or about December 4, 1942, from Omaha, Nebr., by the Miller Chemical Co.; and charging that it was misbranded.

Analysis showed that the article consisted of water, sodium carbonate, sodium hydroxide, and sodium sulfate, with small amounts of phenolic compounds such as creosote, anise oil, and arsenic 0.012 gram per 100 cc.

The article was alleged to be misbranded (1) in that it was fabricated from two or more ingredients and its label failed to bear a statement of the quantity or proportion of potassium arsenite, a derivative of arsenic, contained therein; (2) in that the statements on the label which represented and suggested that the article was effective to aid in maintaining a normal alkaline reserve in young and old hogs and to help in building a normal body defense against intestinal infections were false and misleading since the article was not so effective; and (3) in that the label statement, "Contains \* \* \* Arsenic 0.0048%," was false and misleading as applied to a product which contained more than twice that amount of arsenic.

On July 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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<sup>1</sup> Seizure contested. Contains opinion of the court.